

Remarks

This Application has been carefully reviewed in light of the Office Action mailed on August 24, 2004. Applicants appreciate the Examiner's consideration of this Application and respectfully provide these remarks. In order to advance prosecution of the present Application, Claims 1-2, 9-15, and 22-28 have been amended and Claims 6-7 and 20-21 have been cancelled. Applicants respectfully request reconsideration and allowance of all pending claims.

Claims 1, 12-15, and 26-28, as amended, are Definite under 35 U.S.C. § 112

The Examiner rejects independent Claims 1, 12-15, 20, and 26-28 under 35 U.S.C. § 112, second paragraph, as being indefinite. Although Applicants believe Claims 1, 12-15, 20 and 26-28 are definite under 35 U.S.C. § 112 without amendment, to expedite issuance of a patent from this Application, Applicants have amended Claims 1, 12-15, and 26-28 to address the issues raised by the Examiner. These amendments are not narrowing and are not considered necessary for patentability. Applicants have cancelled Claim 20. For at least these reasons, Applicants respectfully request the Examiner to withdraw these rejections.

The Claims are Allowable over *Glass*

The Examiner rejects Claims 1-28 under 35 U.S.C. § 102(e) as being anticipated by U.S. Pat. No. 6,629,128 to Glass ("*Glass*"). According to *Glass*, a remote proxy is simply a proxy for an object on a first computer system that allows an object on a second computer system to communicate with the proxy of the object on the first computer system as if the object on the first computer resided on the second computer. (Column 2, Lines 16-19). Remote proxies "allow the client system to disregard the location of the requested object and the communication details." (Column 2, Lines 1-3). "Therefore, the client computer system can operate as if it is communicating with a local object." (Column 1, Lines 63-64). *Glass* discloses a remote proxy generator that generates remote proxy classes as needed at run-time. (Abstract; Column 6, Lines 51-53). *Glass* also discloses a method for determining when to dynamically generate remote proxy classes, and a system for dynamically generating those remote proxy classes. (Figures 2-4).

Independent Claims 1, 11-15, and 25-28

In contrast to *Glass*, independent Claim 1 of the present Application, as amended, recites:

A distributed software system, comprising:

at least one server component supporting one or more server objects having associated data, the server component being within a first container; and

at least one client component that is within a second container, distributed from the server component, and operable to:

access data associated with one or more of the server objects such that whether the server component is local to or remote from the client component is substantially transparent to the client component;

if the first container is local to the second container, in order to access server object data, execute data access operations optimized for local communications; and

if the first container is remote from the second container, in order to access server object data, access at least one proxy component that is: within the second container;

supporting one or more proxy objects each providing a local version of a corresponding server object; and operable to:

provide the client component with access to data associated with a proxy object in response to the client component requesting data associated with the corresponding server object ; and

execute data access operations optimized for remote communications to access data associated with the corresponding server object.

Independent Claims 11-15 and 25-28 recite certain substantially similar limitations.

Nothing disclosed in *Glass* can properly be considered, as disclosed in independent Claim 1:

- at least one client component operable to:
 - ***if the first container is local to the second container***, in order to access server object data, ***execute data access operations optimized for local communications***; and
 - ***if the first container is remote from the second container***, in order to access server object data, access at least one proxy component operable to ***execute data access operations optimized for remote communications***.

Although *Glass* discloses a remote proxy that allows the client system to disregard the location of the requested object and the communication details, the remote proxy in *Glass* cannot properly be interpreted as at least one proxy component operable to “execute data access operations *optimized for remote communications*,” as recited in independent Claim 1. Additionally, *Glass* does not disclose at least one client component operable to “execute data access operations *optimized for local communications*,” as recited in independent Claim 1. In fact, nothing in *Glass* discloses data access operations optimized for either local or remote communications. Rather, the only optimization disclosed in *Glass* is optimization of system performance by delaying the generation of remote proxies until run-time. (Column 6, Lines 64-67). Moreover, *Glass* discloses the use of remote proxies for any communication between objects, regardless of their location. (Column 7, Lines 34-47). Therefore, if anything, *Glass* teaches directly away from the recitation in Claim 1 of:

- at least one client component operable to:
 - *if the first container is local to the second container*, in order to access server object data, *execute data access operations optimized for local communications*; and
 - *if the first container is remote from the second container*, in order to access server object data, access at least one proxy component operable to *execute data access operations optimized for remote communications*.

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” M.P.E.P. § 2131 (quoting *Verdegaal Bros. v. Union Oil Co. of California*, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987)). Moreover, “[t]he identical invention must be shown in as complete detail as is contained in the claim.” M.P.E.P. § 2131 (quoting *Richardson v. Suzuki Motor Co.*, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989). Furthermore, “[t]he elements must be arranged as required by the claim.” M.P.E.P. § 2131 (citing *In Re Bond*, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990)). As shown above, *Glass* fails to disclose, teach, or suggest, either expressly or inherently, each and every limitation recited in independent Claim 1, as the M.P.E.P. and governing Federal Circuit case law require.

Dependent Claims 4 and 18

At a minimum, Claims 4 and 18 are allowable because they depend on independent Claims 1 and 15, shown above to be allowable. In addition, *Glass* fails to disclose, teach, or suggest further limitations recited in dependent Claims 4 and 18. As an example, *Glass* fails to disclose, teach, or suggest “the client component coded as if the client component *will always be remote* from any associated server component.” *Glass* discloses a system where “any local object can assume, from an access point of view, that any object it needs is local.” (Column 6, Lines 28-30). If anything, *Glass* teaches away from the limitations recited in dependent Claims 4 and 18. Thus, *Glass* clearly fails to disclose, teach, or suggest, either expressly or inherently, each and every limitation recited in dependent Claims 4 and 18 as the M.P.E.P. and governing Federal Circuit case law require.

For at least these reasons, Applicants respectfully request reconsideration and allowance of all pending claims.

Conclusion

Applicants have made an earnest attempt to place this case in condition for allowance. For at least the foregoing reasons, Applicants respectfully request full allowance of all pending claims.

If the Examiner believes that a telephone conference would advance prosecution of this Application, the Examiner is invited to contact Christopher W. Kennerly, the Attorney for Applicants, at the Examiner's convenience at (214) 953-6812.

Applicants believe no fees are due. Nonetheless, the Commissioner is hereby authorized to charge any fee or credit any overpayment to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,
BAKER BOTTS L.L.P.
Attorneys for Applicants



Christopher W. Kennerly
Reg. No. 40,675

Date: November 23, 2004

Correspondence Address:

Customer Number: **05073**